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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/914,185	08/23/2001	Charles W. Propst Jr	TPP 30482 A	9479

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EXAMINER

BRUENJES, CHRISTOPHER P

ART UNIT

PAPER NUMBER

1772

DATE MAILED: 04/16/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/914,185

Applicant(s)

PROPST JR, CHARLES W.

Examiner

Christopher P Bruenjes

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 29 January 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 5.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

**DETAILED ACTION**

**WITHDRAWN REJECTIONS**

1. The objection to the Specification of record in Paper #4, Page 2, Paragraph 1, has been withdrawn due to Applicant's arguments in Paper #7.

Applicant showed sufficient evidence that the particles of zinc oxide, polyethylene wax emulsion, and the structure of the packaging is discussed within the description, and therefore gives antecedent basis to the items claimed in the claims section.

2. The 35 U.S.C. 112 rejections of claims 1 and 10 of record in Paper #4, Page 3, Paragraph 2, have been withdrawn due to Applicant's amendment of claim 10 and explanation of the "self-sustaining film" claimed in claim 1.

**REJECTIONS REPEATED**

3. The 35 U.S.C. 102 rejections of claims 1-3 as being anticipated by Felter et al (USPN 4,895,886) is repeated for the reasons previously of record in Paper #4, Pages 3-4, Paragraph 3.

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4. The 35 U.S.C. 103 rejection of claim 4 over Felter et al in view of Shaw is repeated for the reasons previously of record in Paper #4, Pages 5-6, Paragraph 5.

5. The 35 U.S.C. 103 rejections of claims 5-7 over Arudi et al in view of Felter et al is repeated for the reasons previously of record in Paper #4, Pages 6-7, Paragraph 6.

6. The 35 U.S.C. 103 rejection of claim 8 over Arudi et al in view of Felter et al in further view of Shaw is repeated for the reasons previously of record in Paper #4, Pages 7-8, Paragraph 7.

7. The 35 U.S.C. 103 rejections of claims 10-13 over Hamuro et al in view of Felter et al is repeated for the reasons previously of record in Paper #4, Pages 8-9, Paragraph 8.

8. The 35 U.S.C. 103 rejection of claim 14 over Hamuro et al in view of Felter et al in further view of Shaw is repeated for the reasons previously of record in Paper #4, Pages 9-10, Paragraph 9.

**ANSWERS TO APPLICANT'S ARGUMENTS**

9. Applicant's arguments filed in Paper #7 regarding the objection to the Specification of record have been considered but are moot since the objection has been withdrawn.

10. Applicant's arguments filed in Paper #7 regarding the 35 U.S.C. 112 rejections of record have been considered but are moot since the rejections have been withdrawn.

11. Applicant's arguments filed in Paper #7 regarding the 35 U.S.C. 102 rejections of claims 1-3 as anticipated by Felter et al have been fully considered but they are not persuasive.

In response to the applicant's argument that Felter does not teach a "self-sustaining film", it is noted that a "self-sustaining film" is not required to be a mono-layered film. The surface dissipative coating composition coated on a vinyl surface form a self-sustaining film of two layers, in which the first layer is a vinyl layer and the second layer is the dissipative coating composition claimed by the applicant. Because the claims are written in open language, the scope of the self-sustaining film claimed includes other layers besides the acrylic resin defined in claims 1-3.

12. Applicant's arguments filed in Paper #7 regarding the 35 U.S.C. 103 rejection of claim 4 over Felter in view of Shaw has been fully considered but they are not persuasive.

In response to Applicant's argument that Felter does not teach the formation of a self-sustaining film, Felter does teach the formation of a multi-layered self sustaining film which fits within the scope of claim 4, as discussed above for claims 1-3. Also in response to Applicant's argument that Felter does not teach the presence of 1 to about 10wt% of quaternary ammonium compound, Applicant is directed to Column 1, lines 34-40 in which Felter explicitly teaches that the static dissipative coating comprises 1 to 10% of quaternary ammonium compound antistat and 1 to 20% of choline antistat. Felter goes on to teach in Column 3, lines 30-40 that the combination of antistats, including the 1 to 10% of the quaternary ammonium compound and 1 to 20% of choline antistat, is found in the amount of 15-25% by weight for electrical conductivity and 5-15% by weight for static dissipation, and therefore the combined weight of antistat agents should be about 10 to about 15%. Within the range of the combined weight of antistat agents, quaternary ammonium compound only makes up a percentage, and therefore is found in a range between 1 to 10% as taught in Column 1, lines 34-40.

13. Applicant's arguments filed in Paper #7 regarding the 35 U.S.C. 103 rejections of claims 5-7 over Arudi in view of Felter have been fully considered but they are not persuasive.

In response to applicant's arguments, Felter does teach a conductive polymeric composition containing a quaternary ammonium compound in the amount of 1 to about 10wt% as discussed above regarding the 35 U.S.C. 103 rejection of claim 4.

14. Applicant's arguments filed in Paper #7 regarding the 35 U.S.C. 103 rejection of claim 8 over Arudi in view of Felter as applied to claim 5 above and further in view of Shaw has been fully considered but they are not persuasive.

In response to applicant's arguments, Felter does teach a conductive polymeric composition containing a quaternary ammonium compound in the amount of 1 to about 10wt% as discussed above regarding the 35 U.S.C. 103 rejection of claim 4.

15. Applicant's arguments filed in Paper #7 regarding the 35 U.S.C. 103 rejections of claims 10-13 over Hamuro in view of Felter have been fully considered but they are not persuasive.

In response to applicant's arguments, Felter does teach a conductive polymeric composition containing a quaternary

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ammonium compound in the amount of 1 to about 10wt% as discussed above regarding the 35 U.S.C. 103 rejection of claim 4.

16. Applicant's arguments filed in Paper #7 regarding the 35 U.S.C. 103 rejection of claim 14 over Hamuro in view of Felter as applied to Claim 12 above and further in view of Shaw have been fully considered but they are not persuasive.

In response to applicant's arguments, Felter does teach a conductive polymeric composition containing a quaternary ammonium compound in the amount of 1 to about 10wt% as discussed above regarding the 35 U.S.C. 103 rejection of claim 4.

### **Conclusion**

17. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated



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from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher P Bruenjes whose telephone number is 703-305-3440. The examiner can normally be reached on Monday thru Friday from 8:00am-4:30pm.


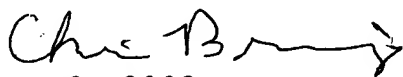
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Harold Pyon can be reached on 703-308-4251. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9310 for regular communications and 703-872-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.

Christopher P Bruenjes  
Examiner  
Art Unit 1772

CPB

February 6, 2003



HAROLD PYON  
SUPERVISORY PATENT EXAMINER  
1772

2/19/03